APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/706,776	11/12/2003	John J. Richardson	MS304927.1/MSFTP490US	8039

27195 7590 02/26/2007 AMIN. TUROCY & CALVIN, LLP 24TH FLOOR, NATIONAL CITY CENTER 1900 EAST NINTH STREET CLEVELAND, OH 44114	EXAMINER SEYE, ABDOU K	

ART UNIT	PAPER NUMBER
2194	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/26/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/706,776	Applicant(s) RICHARDSON, JOHN J.
	Examiner Abdou Karim Seye	Art Unit 2194

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>03</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 November 2003*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-30* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *12 November 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

WILLIAM THOMSON
SUPERVISORY PATENT EXAMINER

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>05/21/2004</u>.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1. This is the initial office action based on the application filed on August 26, 2003.

Claims 1-30 are currently pending and have been considered below.

Claim Rejections - 35 USC § 101

2.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
> matter, or any new and useful improvement thereof, may obtain a patent therefore, subject to the conditions
> and requirements of this title.

3. Claims 1-18 and 20-21 are rejected under 35 U.S.C. 101 because the claimed

invention is directed to non-statutory subject matter.

Claims 1-18 and 20-21 are non statutory.The claimed system is constructed of software

program instructions. Thus, the claimed system comprising of a framework and

synchronization components for controlling access to data is considered as software

program containing machine-executable instructions, per se (and not associated with

any physical structure) and the claimed computer based event processing system

comprising of means for interacting with an object , generating, processing and

serializing events are considered software program per se (and not associated with any

physical structure) (see specification on page 6, line 5-20) and (See MPEP 2106.01 -

I: "...computer programs claimed as computer listings per se , i.e., the descriptions or

expressions of the programs, are not physical "things." They are neither computer

components nor statutory processes, as they are not "acts" being performed. Such

claimed computer programs do not define any structural and functional

interrelationships between the computer program and other claimed elements of a

computer which permit the computer program's functionality to be realized... ". Also it

appears that tangible result is achieved from this data communication between

components.

Appropriate change is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

forms the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-11 and 18-30 are rejected under 35 U.S.C. 102 (e) as being

anticipated by **Allavarpu et al. (US 6839748).**

Claims 1, 19, 20-21, 22, 23 and 26 Allavarpu teaches a computer-based event

handling system, comprising:

a framework component that supplies classes of objects that can raise events (fig. 3 col. 14, lines 5-28; and

a synchronization component that controls in part synchronization of access to data based on categorization of at least one of objects and instances defined by the framework (fig. 10/1002b, col. 22, lines 4-45; col. 10, lines 58-65).

Claim 2, Allavarpu further teaches that the framework is supplied by an operating system or as a library for use by the operating system, wherein at least one of the framework and synchronization component automatically manages or serializes the events in order that a client component can process client-specific tasks (fig. 12, col. 23, lines 32-67 and col. 24, lines 1-10; col. 20, lines 25-55; col. 22, lines 28-34).

Claim 3, Allavarpu further teaches that the client component is a device driver (fig. 7, col. 16, lines 32-50).

Claim 6, Allavarpu further teaches that the object provides a handle to enable the client component to manipulate the object and request additional local memory to be allocated for processing client tasks (col. 4, lines 41-44; col. 4, lines 55-60; fig. 13/208, col. 25, lines 5-7;event handler for client request).

Claim 7, <u>Allavarpu</u> further teaches a configuration component to enable the client

component to disable or enable automated serialization and synchronization (fig. 10

col. 22, lines 4-45).

Claim 8, <u>Allavarpu</u> further teaches that the configuration component includes one or

more Application Programming Interfaces to facilitate selection of serialization and

synchronization features (fig. 10/206).

Claim 4, <u>Allavarpu</u> teaches that the events are managed by the framework or

synchronization component to allow one or more aspects of the events to occur

in a one-time manner and in accordance with a serialized process (fig. 3, col. 12, lines

12-15 ;unique event number in the event pool/registry).

Claim 5, <u>Allavarpu</u> further teaches that the events are processed as part of a request

(fig. 8/802 and 706, col. 17 , lines 45-50).

Claim 9, <u>Allavarpu</u> teaches that the framework component provides events to a device

driver though a series of callback functions registered by the device driver (col. 19,

lines 1-5).

Claim 10, <u>Allavarpu</u> further teaches that the device driver generally queues a handler

or starts Input/Output (I/O) on the handler, marking state, and then returns (col. 7, lines

25-30; col. 14, lines 65-67).

Claim 11, <u>Allavarpu</u> teaches that the framework component is structured in accordance

with state full objects that allow a device driver to register events, and provide API's

(col. 10, lines 35-50; col. 24, lines 1-8; operating system support with system call for

processing client request).

Claim 18, <u>Allavarpu</u> teaches that one or more data packets that are employed to

facilitate communications between the components via at least one of a local

processing system, a local network system, and a remote network system (paragraph

68).

As per claims 24 , it is rejected for the same reasons as claim 7 above.

Claim 25, <u>Allavarpu</u> further teaches providing a local memory to

facilitate client-specific processing (fig. 1b/104).

As per claims 27, it is rejected for the same reasons as claim 8 above.

Claim 28, _Allavarpu_ further teaches that the API includes at least one of a scope

object, a scope device and a scope specified data structure (col. 1lines 65-67 and col.

2, lines 1-11, lines 45-64).

Claims 29, _Allavarpu_ further teaches that the API includes at least one of an execution

level passive, an execution level dispatch, and an execution level specified data

structure (fig. 9, col. 18, lines 1-23).

Claim 30, _Allavarpu_ further teaches, an acquire lock data structure and a release lock

data structure (col. 6, lines 1-21).

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103 (a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as
> set forth in section 102 of this title, if the differences between the subject matter sought to be
> patented and the prior art are such that the subject matter as a whole would have been obvious
> at the time the invention was made to a person having ordinary skill in the art to which said
> subject matter pertains. Patentability shall not be negatived by the manner in which the invention
> was made.

7. Claims 12-17 are rejected under 35 U.S.C. 103 (a) as being unpatentable over

Allavarpu et al. (US 6839748) in view of _Mandal et al._ **(US 20040117369).**

Claim 12-17, <u>Allavarpu</u> teaches a main thread running that starts a child process for

initialization and establishing communication channels with an event registry server (

col. 16, lines 15-24), but he does not explicitly teach the claimed element "pipeline ".

However, in the same field of endeavor, <u>Mandal</u> clearly discloses a service processor

system and method of user/client command requests wherein events are associated

with pipeline (fig. 21, paragraph 198); wherein the pipeline includes a dispatch

component (fig. 21/2138); wherein the pipeline employs a series of stages that a

request traverses (fig. 21, paragraph 198 and 199) ; objects within each stage of

the pipeline that raise an event to a device driver through an event callback

to allow the driver to have control of which action to take, or provide some

default action that may result in the requests completion, or forwarding to the

next stage(method steps of fig. 18;19 and 20); detecting request failure and error

handling (paragraph 44,47, 62 and 68); notifying the user client for failure(paragraph

64). It would be obvious to one having ordinary skill in the art at the time the invention

was made to modify Allavarpu's invention with <u>Mandal's</u> invention in order to reduce

the number of function call therefore to save significant system resource. One would

have been motivated to save system resource while controlling data services in order

to enhance performance of an overall system.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to the

applicant's disclosure.

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Waddington et al (6041384) discloses an method for managing shared resources in a multiprocessing computer system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Exr. Abdou Seye whose telephone number is (571) 270-1062. The examiner can normally be reached Monday through Friday from 7:30 a.m. to 4:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, contact the examiner's supervisor, William Thomson at (571) 272-3718. The fax phone number for formal or official faxes to Technology Center 3600 is (571) 273-8300. Draft or informal faxes, which will not be entered in the application, may be submitted directly to the examiner at (571) 273-6722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group Receptionist whose telephone number is (571) 272-3600.

WILLIAM THOMSON
SUPERVISORY PATENT EXAMINER

AKS
February 08,2007

William Thomson
Supervisory Patent Examiner